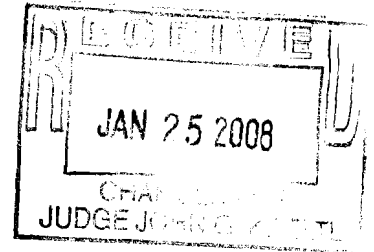




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DISTRICT ATTORNEY

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January 24, 2008

The Honorable John G. Koeltl
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

*Application granted.
Time to respond to the petition
extended to March 28, 2008.*

Re: Johnny White v. Luis Marshall, 07 Civ. 9350 (JGK)

*Petitioner's time to
reply extended to April 25, 2008
so ordered in 6/1/08*

Your Honor:

I write, with my sincere apologies, with respect to the above-referenced petition for habeas corpus relief in this non-homicide case. On or about November 8, 2007, this office received a copy of the petition and your Honor's Order dated October 26, 2007. By that order, your Honor directed that respondent respond to the petition by January 8, 2008. As your Honor is aware, the District Attorney's Office responds primarily to habeas corpus petitions in which the underlying crime is a homicide or attempted homicide, and the Attorney General's Office responds to all other petitions. Unfortunately, the Attorney General's Office was never served with a copy of this petition and your Honor's accompanying order, and the District Attorney's Office inadvertently failed to forward copies to the Attorney General. As a result of our failure, the Attorney General was unaware of the petition and your Honor's order to respond.

I thus ask that your Honor grant the Attorney General an extension of time, in the form of a new 60-day period in which to respond to the petition. I apologize again for any inconvenience this oversight may have caused, and I thank you in advance for your kind consideration of my request.

Respectfully submitted,

Nicole Beder
Nicole Beder (6032)
Assistant District Attorney
New York County District Attorney's Office

cc: Edward Hamlin
Attorney Petitioner

Attorney General of the State of New York

